



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Board of Housing and Community Development
VAC Chapter Number:	13 VAC 5-91-10 et seq.
Regulation Title:	Virginia Industrialized Building Safety Regulations
Action Title:	General Revision
Date:	October 15,2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

To initiate a review and re-evaluation of the regulation to determine if it should be continued, amended, or terminated.

And to consider amending the regulation by adopting and incorporating by reference the International Code Council's (ICC), 2000 International Building Code and to put before the public proposed changes submitted to the BHCD.

(Background)The ICC was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these nonprofit organizations developed the three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three model code groups responded by creating the International Code Council and by developing codes without regional limitations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§ 36-73 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-73>), directs the Board of Housing and Community Development (BHCD), from time to time, to promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. And that the standards are not to be applied to manufactured homes. The Code of Virginia also requires the BHCD to have due regard for generally accepted safety standards as recommended by nationally recognized organizations.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The BHCD envisions that the details of anticipated changes to be implemented by this proposed regulatory action are to update the existing Virginia Industrialized Building Safety Regulations to incorporate by reference the International Code Council's (ICC), 2000 International Building Code (IBC) and to solicit proposed changes from the public. The BHCD also believes that there are substantial advantages in combining the efforts of the three existing code organizations to produce a single set of international model codes. Architects, engineers, designers, contractors and developers will now be able to work with a consistent set of technical requirements throughout the United States. Manufacturers can put their efforts into research and development rather than designing to three different sets of standards, and can focus on being more competitive in worldwide markets. With the advent of the IBC and departure of the three separate model codes there can now be uniform education and certification programs used internationally. All technical issues and concerns now have a single national forum for discussion, consideration and resolution. Whether the concern is disaster mitigation, energy conservation, accessibility, innovative technology or fire protection, the ICC provides a single forum for national and international attention and focus.

The BHCD has determined that the proposed regulatory action is essential to protect the health, safety or welfare of citizens because the adoption of a single set of international model codes will

lead to more consistent code enforcement and interpretation and a safer, higher quality built environment for the citizens of the Commonwealth.

The BHCD is unaware of any potential issues that may need to be addressed as the regulation is developed.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The specific alternative to the anticipated proposal that has been considered or will be considered to meet the essential purpose of the action is to continue with the 1996 BOCA National Building Code (BNBC) as the referenced model code for Virginia for another three or more years, given that the BNBC is no longer being updated and there are no code hearings being conducted to update the BNBC since the ICC has been formed and the 2000 IBC has been publicly available for over a year.

During the entire regulatory adoption process for these amendments the BHCD will consider all less burdensome and less intrusive alternatives suggested or recommended which achieve the essential purpose as required by statute.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The agency's preliminary analysis of the potential impact of this proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will be, is to neither:

- 1 - strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children;
- 2 - encourage nor discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents;
- 3 - strengthen nor erode the marital commitment; and
- 4 - increase nor decrease disposable family income.